THE PROCEEDINGS

ON

HIS MAJESTY'S COMMISSION

OF

OYER and TERMINER, and GOAL DELIVERY

FOR THE

High Court of Admiralty of *England*,

HELD AT

JUSTICE-HALL in the OLD-BAILEY,

On FRIDAY the 30th of OCTOBER, 1761,

Before the Right Worſhipful

Sir THOMAS SALUSBURY, Knt. LL.D.

JUDGE of the High Court of ADMIRALTY;

And Others His MAJESTY's Commiſſioners.

As alſo the

PROCEEDINGS

On His MAJESTY's ſaid COMMISSION,

Held at the aforeſaid JUSTICE-HALL, on *Tueſday* the 30th of *March*, 1762.

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On His Majesty's Commission of Oyer and Terminer, and Goal Delivery, for the

High Court of Admiralty of *England*;

Before the Right Worshipful Sir THOMAS SALUSBURY, Knt. LL.D. Judge of the High Court of ADMIRALTY; Sir THOMAS PARKER, Knt. Lord Chief Baron of His MAJESTY's Court of EXCHEQUER; and Others His MAJESTY's Commissioners of Oyer and Terminer, and Goal Delivery for the High Court of ADMIRALTY of *England*, *Oct.* 30, 1761.

A Bill of indictment was found by the Grand Inquest against William Watson, late of London, mariner, for that Charles Christian Erickson and John Jennings, not taken, with force and arms, on the high seas, about the distance of one league from Dover, a certain ship called the Stadtholder piratically did break and enter, and on Christoffel Berens, then master of the said ship, did piratically make an assault, putting him in bodily fear and danger of his life, and one wooden case, containing 12 glass bottles, value 6 s. 2 quarts of rum, value 2 s. 2 quarts of brandy, value 2 s. 2 quarts of Geneva, value 1 s. and 20 Spanish dollars, value 4 l. 15 s. the property of the said Christoffel, did steal, take, and carry away, Oct. 20, 1757: and that he the said William Watson, the goods thus stolen, did piratically receive and have, well knowing the same to be piratically and feloniously stolen.

To this indictment he pleaded not guilty; and for his trial, put himself on God and his country; whereupon the following gentlemen were sworn upon the jury:

Henry Kent, *Foreman*,	Thomas Lambert,
John Curtis,	Robert Phipps,
Samuel Newton,	Thomas Brown,
Peter Moulson,	Thomas Simpkins,
Thomas Nash,	William Stockley,
Thomas Harding,	Cha. Maddox Hardy.

[*The evidences were examined apart.*]

Christoffel Berens not understanding English, was sworn by the interpretation of John Rubear, who was first sworn truly to interpret.

King's council. Do you know the prisoner at the bar?

Berens. To the best of my knowledge it is William Watson that robbed me: it is so long ago, I am not certain, but he seems to be the person.

Q. Was you the master of a Dutch ship in the year 1757?

Berens. Yes: her name was the Stadtholder.

Q. What place was she bound from in the month of October that year?

Berens. She was bound from St. Eustatia to Amsterdam.

Q. Whether, in the course of your voyage, you was met with by any privateer?

Berens. Yes: I was met by a privateer about a mile from the shore.

Q. What was the name of that privateer?

Berens. It was the Fly sloop, captain William Watson.

Q. Can you remember the day of the month when this privateer met you?

Berens. It was the 20th of October.

Q. Give an account what passed between you and that privateer, or any part of the crew, at that time.

Berens. They came to me about the evening, and made me bring too, and came on board

board me with a boat's crew. They aſked where I came from, and where I was bound to. I told them I was bound from St. Euſtatia to Amſterdam. Then they wanted to ſee my papers: I ſhewed them my papers: they took them all except a Turkiſh paſs. There were papers of the Weſt-India company, and bills of lading: and they went on board their privateer. This was about five o'clock in the evening: my mate went with them. What paſſed there, he can give the beſt account. Then the ſame boat's crew came on board me again directly, and brought another perſon with them, whom they called the lieutenant. My mate returned with him.

Q. Did they bring your papers back?

Berens. They did: and ſaid, There are your papers. Then they wanted to go into the cabin, and aſked what I had to drink: they ſaid they could find nothing amiſs in the papers; and ſaid they had ſeen there were two caſes of indigo in the manifeſt: they aſked where theſe caſes were. I ſaid I could not tell what part of the ſhip they were in; they ſaid, if you will not tell us where they are, we will cook you out of the cabin.

Q. What did they mean by that?

Berens. They ſaid, if I would not tell where they were, they would take all the goods out of the cabin, and out of the gunner's room, to ſee where they were. I told them again, I did not know where they were. Then they took all the ſails that were in the cabin, and brought them on the deck; there were about 18 bags of coffee lying under the ſails, which they took and brought on the deck. Then they went to work in the gunner's room, to ſee if they could find ſomething there: they brought out of that room 5 or 6 guns, and 5 or 6 piſtols, and 7 or 8 hangers, and put them into their own boat with 6 bags of coffee; then they came into the cabin, and obliged me to open my counter, or deſk; there they examined my papers, and took out money, Spaniſh and Dutch coins.

Q. To what value?

Berens. About 80 guilders value; the lieutenant came into my cabin. The interpreter to the privateer that ſpoke Dutch, ſaid to the lieutenant, I have got ſome money! the lieutenant ſaid, that is good booty; then they went on board the privateer with the coffee, arms, and money.

Q. Did they break open that deſk, or did you break it open for them?

Berens. I was obliged to open it; they broke open one cheſt in the cabin.

Q. Did they take any thing out of it?

Berens. No, they did not.

Q. Did you ſee any more of them that night?

Berens. They told me I might ſail away now, but they came again afterwards, and told me I muſt bring too, and they would bring back the coffee on board which they had taken: then I aſked them if they would return me my money and arms alſo; they ſaid yes.

Q. Did they return them?

Berens. They brought nothing back but the 6 bags of coffee.

Q. Was it light enough to ſee the man's face that ſpoke to you from the privateer?

Berens. No, I could not ſee his face; I thought he was the maſter, becauſe he ſpoke like the maſter.

Q. Did you ſee or hear any thing more of them that night?

Berens. After they had brought the coffee on board, I ſaw no more of them. I aſked them why they did not bring the other things; they gave me no anſwer to that. I forgot to mention 2 bottle caſes, which they took out of the cabin, with bottles in them, and brandy, rum, and gin, for the uſe of the ſhip's crew; and diſtilled liquor, which was a preſent for a gentleman at Amſterdam. They told me it was fine liquor.

Q. Do you know any of the men that came on board, or were concerned in taking theſe things from you?

Berens. The interpreter was a priſoner here formerly.

Q. What became of you after this, did you ſee the privateer any more?

Berens. The next day I came into Dover, that was the 21ſt of October, and on the 30th this privateer came into the harbour. I was told it by a perſon. I went with my mate and two other of my men on board her: I found there my own bottle caſe in the cabin; the bottles were then empty.

Q. Are you ſure that was your caſe which was taken from on board your ſhip?

Berens. I am ſure it was.

Q. Did you attempt to take it away?

Berens. No.

Q. Whether any thing further paſſed while you were on board the privateer at that time?

Berens. There were two or three boys on board. I aſked them where their captain was. They ſaid if I wanted to ſpeak with him, they would ſend for him: while I was ſpeaking to them, William Watſon came on board with his brother Henry Watſon.

Q. Look at the priſoner again, can you ſay he is the perſon?

Berens. He looks a little like him in the face, but I cannot be poſitive. I aſked my mate, who was ſtanding by me, which was the captain; my mate pointed, and ſaid that was him.

Q. How came you to know the perſon's name was William Watſon?

Berens. Mr. Ficter, who told me the privateer was come in, told me that was the captain's name. The captain of the privateer aſked me what I wanted, I ſaid I came to ſpeak to him.

Q. How do you know that was the captain of the privateer?

Berens. My mate told me that was the captain, becauſe he had ſpoke to him when he went on board his veſſel, when they took the things away. The captain's brother ſtruck me with his foot in my face, in ſuch a manner that I fell down; he was looking for ſomething to beat me with, and he took an iron crow foot, and went after my mate with it: both of them looked for ſomething to beat us with. I went then to a ſloop that lay next to the privateer; there came Henry Watſon, and beat me with a hanger, and treated me very ill, both with his fiſt and the hanger, and William Watſon came there after him, and he beat me alſo with his fiſt. I aſked them the reaſon why they beat me ſo: then came a mate of a Daniſh ſhip which was there, and he reſcued me out of their hands. Then I went to the mayor of Dover, and declared to him every thing that had happened to me, and deſired him to arreſt William Watſon; but could not obtain it. I made declaration upon oath of every thing before the mayor. They would not ſtop him. I went the next day to the Downs, to admiral Smith, and gave an account what happened to me by William Watſon. While I was with the admiral, I was told captain Watſon was come to Deal: as ſoon as the admiral heard that, he ſent two of his conſtables to take him. Then I went to a tavern, where William Watſon was; as ſoon as I came in, he aroſe up from the table, and came towards me, and aſked me how I did; and told me he heard from his people that they had robbed me; I ſaid, did you not know that yeſterday, when you treated me in that manner.

Q. What ſaid Watſon to that?

Berens. He aſked pardon for that affair, and ſaid he would repay me double all that I miſſed: as I was talking to him, in came the two conſtables, and ſaid they came with an order from the admiral, and he muſt go along with them before the admiral; what paſſed there I do not know.

Q. You ſaid when they came on board, they aſked for ſomething to drink, did you give them any thing?

Berens. I gave them ſome wine.

Q. Do you underſtand a perſon when he ſpeaks Engliſh?

Berens. No, but captain Watſon ſpoke good Dutch to me.

Croſs examination.

Q. Did captain Watſon come in the boat to your veſſel?

Berens. No, he did not.

Q. Did they call the other perſon lieutenant, or by any other particular name?

Berens. They gave him the name of lieutenant.

Q. Who was the perſon that took the coin out of your deſk?

Berens. That was a perſon that was a priſoner here formerly.

Q. Not the preſent priſoner?

Berens. No.

Council for priſoner. If I underſtand you, the perſon that haled you, after the boat had been with you two times, and brought the coffee, by the voice you underſtood that perſon to be the captain; pray when you was haled, whether you was not told the crew had brought back all the things they had taken?

Berens. He ſaid, bring too, and I'll give you the coffee.

Q. Whether you mentioned liquor at that time?

Berens. I told him, I deſire alſo you will give me back the money, and rum, and other little trifles that you have taken.

Q. Whether it was only your own caſe of bottles that you ſaw in captain Watſon's ſhip?

Berens. No more than my own.

Q. How much liquor was there?

Berens. About 12 bottles; I cannot ſay exactly how much.

Q. Was there ſix or eight quarts in the whole?

Berens. There was a mangle and a half.

Q. How much is a mangle?

Berens. A mangle is four pints.

Q. What was the value of this caſe of your own?

Berens. When it is full, it is worth 12 guilders; in Engliſh money about 20 ſhillings.

Q. When you ſaw captain Watſon at Deal, whether he did not offer to deliver up to you all that the men had robbed you of?

Berens. No.

Q. Whether he did not offer to ſhew you his men, that you might ſee who you had to complain againſt?

Berens. No, he did not.

Q. Had you not been viſited by men of war or privateers before?

Berens. The very ſame morning I had a privateer took 8 bags of coffee.

Q. Was you ever made to bring too before?

Berens. I was viſited by a King's tender.

Q. Is it not uſual for you to give what you call ſhot-money?

Berens. Sometimes they aſk it.

Q. Whether captain Watſon, at Deal, did not ſay to you, if you have any claim againſt any of his men, he would go with you to Dover, and you ſhould ſee them?

Berens. No, Sir.

John Pyl ſworn.

He not underſtanding Engliſh, the ſame interpreter was ſworn.

John Pyl. I was on board captain Berens's ſhip in the month of October 1757.

Q. In what capacity was you?

Pyl. I was mate.

Q. Whether you ever ſaw the priſoner at the bar?

Pyl. I never ſaw captain Watſon but twice.

Q. Look round, ſee if you can ſee him.

Pyl. (*He looks round.*) I can't ſay I ſee him.

Q. Look at the bar, do you know that man?

Pyl. I cannot ſay for certain.

Q. What have you got to ſay?

Pyl. In the channel betwixt Dover and Calais, we were met with by a privateer on the 20th of October 1757.

Q. What happened on your meeting her?

Pyl. She ſhot at us, and made us bring too, and they came on board.

Q. How many men came on board?

Pyl. I think there were 7 or 8 of them; they ſaid they wanted the ſhip's papers; the captain delivered them to them; they aſked for nothing more at that time, but went with them on board their own ſhip; I went with them, I was in the cabin, and their captain looked them over ſlightly.

Q. Do you remember the name of the captain?

Pyl. I did not know his name then, but afterwards I was told at Dover, that his name was William Watſon: when they went again to our ſhip with the papers, I went with them: they went to captain Berens's cabin and drank wine, and examined every thing; and took away 6 muſkets, 6 piſtols, 7 or 8 hangers, and 6 bags of coffee; they took out of the cabin 2 cheſts of bottles with liquor, and went away with them.

Q. Do you know of their taking any money?

Pyl. No, I do not, the captain knows it. About an hour after the privateer came to our Lee quarter, and called out of the ſhip they would bring the coffee back again; our captain told them they ſhould ſend the other things alſo that they had taken. They ſent the coffee, but not the other things.

Q. Was any anſwer made about bringing the other things?

Pyl. They gave no anſwer to that, they ſaid yes; but did not bring them: then we ſailed away, and the privateer too.

Q. Did the Dutch ſhip on which you was on board come into Dover at any time after that?

Pyl. Yes; on the 21ſt of October we came into Dover.

Q. What paſſed then?

Pyl. We made a declaration of what we had been robbed of, before the mayor.

Q. Had you an opportunity of ſeeing captain Watſon, or any body belonging to the privateer?

Pyl. About 8 days after that the privateer arrived in Dover, captain Berens and I went to ſee whether it was the ſame privateer that had robbed us; we went on board, there were 3 men, captain Watſon was not then on board, but he came on board a little after we were there: we found one empty bottle cheſt.

Q. Whoſe property was that?

Pyl. That was captain Berens's property; I know it very well.

Q. Did you talk to captain Watſon about that cheſt that was taken out of your ſhip?

Pyl. When

Pyl. When he came on board I ſaluted him in Dutch: he looked about for ſomething to beat us with. He ſaid, What are you doing here you ſon of a bitch; he took up an iron crow-foot in order to beat me with, and his brother drew his knife; then I ran away.

Croſs examination.

Q. At the time when you was on board their ſhip, and the captain examined the papers; whether the captain was not civil to you, and diſmiſſed you as ſoon as he had examined the papers?

Pyl. He behaved very civily.

Q. Had you ever ſeen him before that time you ſaw him on board his ſhip?

Pyl. No, not to my knowledge.

William King ſworn.

King. I belonged to a privateer called the Fly ſloop, in October 1757.

Q. Who was commander?

King. William Watſon was commander?

Q. Look at the priſoner at the bar.

King. He looks at him. That is the man.

Q. In what capacity was you?

King. I was in articles as ſurgeon.

Q. Do you remember what happened in October 1757.

King. On Thurſday the 20th of October in the afternoon we ſailed from Dover: we ſaw a ſhip in the offing for which we made ſail.

Q. How far diſtance was ſhe when you firſt ſaw her?

King. I believe ſhe might be about 5 or 6 miles diſtance before we came up with her: ſhe was fir'd at in order to be brought too, ſhe brought too. Then captain Watſon ordered the boat to be manned, and ordered me to go on board, to know what ſhip ſhe was.

Q. Who went in the boat with you?

King. There was Peter Filpot, John Harmon, one Erickſon, I do not know his chriſtian name, and John Jennings: there were about 7 or 8 of us. We were ordered to bring the captain and papers on board, and to aſk where they came from: the captain refuſed to go on board us, it being in the night-time.

Q. What time was it?

King. It was about 5 o'clock: he ſent his mate with the papers on board; the mate and papers were returned on board their own ſhip again, but I did not go.

Q. Did any of your men remain on board the Dutchman, when they returned to your own ſhip?

King. I believe Peter Filpot remained on board with me; it might be about half an hour after 5 o'clock when they returned again with the mate and papers.

Q. When they returned with the mate and papers, what happened?

King. The linguiſt named Harmon came on board with the mate and papers, and John Jennings and Erickſon. I aſked them what news; Harmon ſaid to me, his orders from the captain was to get ſome liquor, and what ſhot-money we could of the captain, and then leave the ſhip. In the firſt place, they took the caſe of liquor from under the captain's table; they found ſome bags of coffee under ſome ſails: then Erickſon ſaid, theſe are my uncle's, I'll have theſe. They found a deſk, which they obliged the captain to open; there were ſome dollars in it, which Harmon took out, and in rummaging, he picked up another bag and ſhewed it to me, and ſaid here is ſome money which I have got for ſhot-money. I took it and put it into my pocket: he brought the dollars; I ſaid, you have no buſineſs with them, I believe they belong to ſome merchant; the caſe of bottles and coffee, and to the beſt of my knowledge 6 muſkets, 3 pair of piſtols, and about 7 or 8 cutlaces were put in the boat, and I know Harmon carried away the dollars, becauſe I ſaw them on board afterwards. We went out of the cabin and wiſhed the captain a good night; I went into the boat and found the things there; we went to the privateer, when we came along ſide the veſſel, the captain aſked what was in the boat, I ſaid ſome coffee, ſome ſmall arms, a caſe with liquor, and a ſmall cag with ſugar.

Q. Did you mention the money to him?

King. No, I did not.

Q. Did you tell him of the money that Harmon had taken?

King. I had no time to tell him that, becauſe he ordered the things to be handed in, and me to return back to the ſhip with the coffee.

Q. Did he give you any reaſon why he would not have the coffee?

King. He ſaid it is not worth bringing on board, and therefore I inſiſt upon it you carry it back again to the ſhip.

Q. Did you ſee any more than one caſe of liquor in the boat?

King. No, I did not ſee any more.

Q. Did you in conſequence of this return to the ſhip with the coffee?

King. I did.

Q. Did the privateer come near enough the Dutch ſhip afterwards to hail her?

King. I, Filpot, and one Baker, were in the boat, and we ran down along ſide her with the coffee and put it on board; ſome perſon in the boat hailed the ſhip and told them, if they would bring too he would ſend him his coffee again.

Q. What anſwer was made?

King. I do not know.

Q. How long after this time did you ſee the dollars?

King. After we returned from putting the coffee on board, the wind blew very freſh; I went down into the cabin, Harmon came to me and ſaid, Mr. King, I have got ſome money. Said I, what money; ſaid he, dollars. I acquainted captain Watſon of it, he, and I, and Harmon, counted the money: Harmon ſaid, that I had for ſhot-money; captain Watſon ſaid to me, take an account of the money, put it into the beaufet, lock it up, and give me the key. This was when the boat was veered aſtern: we went into the port of Dover on the 30th, being on a Saturday about midnight; there we ſaw the Dutchman lying on the mud, one or two of us ſuſpected that might be the Stadtholder; two or three of us aſked the captain, whether we had not beſt go to ſea again; he ſaid, no; he would not go to ſea again, by reaſon it would give too much ſuſpicion; ſo we went through the bridge and moored, and every man that had a wife went home: the next morning captain Watſon came to me and ſaid, there was a complaint lodged by that Dutch ſhip againſt us. Said I, what are we to do; ſaid he, you are to go and acquaint the people that were in the boat to be out of the way, and at night we will go to ſea. In the afternoon I was with the captain again, I aſked him whether it was his reſolution to go to ſea; he ſaid no, he would not go to ſea.

Q. Had you acquainted the people that were in the boat to keep out of the way?

King. I had, and they did keep out of the way.

Q. Did he give you any reaſon why he changed his mind?

King. No, he only ſaid he would not go to ſea: towards the evening he deſired I would go and get Readard and Filpot, and go to his houſe and get a caſe that he would provide for us, and carry it on board inſtead of the caſe of bottles taken from on board the Dutchman, which was then on board.

Q. Did he give you any reaſon for changing the caſe?

King. He ſaid, the ſhip might be ſearched the next day by the captain of the Dutchman.

Q. Did he tell you the captain had been on board his ſhip?

King. He did: I and Peter Filpot went to captain Watſon's houſe; there was a caſe ſtood ready, we did not preſume to carry it ourſelves, but he ſent it along ſide the veſſel by his maid, and Filpot received it. I was by at that time.

Q. Why did you not care to carry it?

King. Becauſe we were afraid of being ſeen.

Q. What became of the Dutchman's caſe?

King. We broke it to pieces according to captain Watſon's order, and threw it over board.

Q. Did you ever, after the time you mentioned of locking up the dollars, ſee them afterwards?

King. I ſaw them ſeveral times after in the bag; I took them out of the beaufet by captain Watſon's order, and carried them to his houſe: that was the very Sunday evening the caſe was deſtroyed.

Q. What became of them?

King. I delivered them on the table, and he deſired his wife to take them into her care, and ſhe took them.

Q. Did he know they came from the Dutch ſhip?

King. He did.

Croſs examination..

Council for the priſoner. You ſay you was a ſurgeon?

King. I was articled as ſuch.

Q. How long is this ago?

King. This is four years ago this day, ſince we arrived at Dover.

Q. Where have you lived ſince?

King. I have lived there ever ſince, only I have been at ſea ſince.

Q. In what capacity?

King. In his majeſty's ſervice; I have been 22 months maſter of a tender.

Q. What the laſt 22 months?

King. No.

Q. What have you done lately?

King. I work in a ſmall boat, and pilot.

Q. Have you been always conſiſtent with the ſtory you have told now?

King. I tell the truth, and nothing but the truth.

Q. Whether

Q. Whether you have always given the ſame account as now?

King. I have always, when talking on this ſubject to any body.

Q. Do you know when you was applied to, about the month of March laſt, to know if you could give any evidence in order to your being ſupened as a witneſs for captain Watſon?

King. I w s applied to by Mr. Streten and another gentleman; they applied to me in captain Watſon's affair; I told them I deſired to have nothing to ſay about his affair, and gave them no anſwer.

Q. Whether you did not ſay, it was not material for you, either one way or the other; that you could do captain Watſon neither good nor harm?

King. I deſired to remain as I was, as I could do him no good, I did not deſire to go up to do him any harm.

Q. Did not you ſay you could do him no good nor no harm?

King. I told them I could do him no good, and therefore I deſired to do him no harm.

Q. Do you know one Mr. Millar?

King. I do.

Q. Have you not lived at his houſe?

King. No.

Q. Have you been in company with him?

King. I have, and he with me.

Q. Did you never receive money of Mr. Millar?

King. No, never.

Q. Nor was you never maintained by him?

King. No.

Q. Has he ever given you any inſtructions in what manner you was to give your evidence here?

King. No.

Q. Have you ever been any other voyages with captain Watſon in this privateer?

King. Yes, Sir, I ſailed with him before.

Q. Have you ſince?

King. No.

Q. What became of the money which you called ſhot-money?

King. That was put into the bag with the reſt.

Q. How came you (when captain Watſon aſked you what you had in the boat, and you told him arms and a caſe of liquor,) not to tell him you had money alſo?

King. Becauſe I had not time; I was not out of the boat, and he made me return back with the coffee.

Q. How far was the ſhip from you at the time of your acquainting captain Watſon of Harmon having the money?

King. Perhaps not a quarter of a mile; ſhe was ſtanding to the French land under ſail.

Q. What courſe were you ſteering?

King. We were under ſail, reaching over to the French land.

Q. Did captain Watſon order you to take any thing?

King. No, he did not; no farther than he ſent by Harmon the linguiſt.

Priſoner. That witneſs is no more of a ſailor than a hog, he was a butcher when I took him.

Peter Filpot ſworn.

Filpot. I followed the ſea ſome time, I belonged to the Fly privateer in October 1757.

Q. Who was captain?

Filpot. William Watſon; that is the gentleman. (*Pointing to the priſoner.*)

Q. When was ſhe fitted out?

Filpot. She was fitted out in that month. She was a new veſſel.

Q. Do you remember meeting with a Dutch ſhip?

Filpot. We met a Dutch ſhip, called the Stadtholder, and fired a gun, and brought her too; the captain ordered a boat on board to ſee from whence ſhe came.

Q. Who went on board?

Filpot. Mr. King, myſelf, Jennings, and Vincent Filpot, my brother. We ſent the mate of the Dutch ſhip, and the papers, on board our privateer, with the linguiſt to interpret to captain Watſon. Mr. King and I remained on board the Dutch ſhip; the boat returned again with the two linguiſts, John Harman, and Charles Chriſtian Erickſon, and ſome others, I believe Jennings was one of them. Then the linguiſt handed ſome bags of coffee out of the cabin.

Q. Who was that linguiſt?

Filpot. It was Chriſtian Erickſon. I was on the ſhip's deck; he brought them to me, and we put 5 or 6 bags of coffee, with a caſe of liquor that they brought out of the cabin, on board our boat, with ſome ſmall arms, which were handed out of the hold.

Q. Did you ſee any money?

Filpot. No, I did not, I heard of it afterwards.

Q. When they were in the boat what became of them?

Filpot. Then we went on board the privateer.

Q. Did the captain ſee theſe things you mention?

Filpot. Yes, he ſaw them handed into the privateer; he ordered the caſe of liquor and arms to be handed in, and he ordered us to carry the coffee back again to the ſhip.

Q. Did he give any reaſon for that?

Filpot. He was angry with Mr. King for bringing it, and ſaid it was not worth taking on board the privateer.

Q. Who ordered you into the boat?

Filpot. Captain Watſon did, to go on board the Dutch ſhip, to order the captain to be brought on board the privateer with his papers.

Q. Who ordered you to bring the liquor away?

Filpot. John Harmon did; Mr. King received that order from Harmon.

Q. When did you arive at Dover?

Filpot. On the 30th of October we ſaw the Dutch ſhip, as we then ſuppoſed her to be, at our coming into the harbour.

Q. Did any converſation paſs between you and captain Watſon on the 30th of October, at Dover.

Filpot. We conſulted between Mr. King, myſelf, and others. Captain Watſon was then on the deck with us; we thought it would be the beſt way to go to ſea. Captain Watſon would not go to ſea again.

Q. What became of the caſe of liquor after you got to Dover?

Filpot. I believe the liquor was expended before we came there; the caſe, I believe, was broke to-pieces. It was Mr. King's order to break the caſe to-pieces, and throw it over board.

Croſs examination.

Q. Whether any of the perſons conſulted to go to ſea again, but thoſe who had been of the boat's crew, and had been on board the Dutch ſhip?

Filpot. Yes, Sir, there was Mr. Readard, he was not one of the boat's crew.

Q. Whether any perſon agreed to go to ſea again, except thoſe who had been plundering of the Dutch ſhip?

Filpot. Yes, there was this Readard.

Q. Who was for going to ſea again?

Filpot. Mr. King, myſelf, Mr. Readard, and Mr. Waldren.

Q. Why were you for going to ſea again?

Filpot. Becauſe we had a ſuſpicion that was the ſhip that lay on the mud that we had been on board, being cautious we might be queſtioned with having done wrong.

William Readard ſworn.

Readard. I belonged to the Fly ſloop privateer, Captain William Watſon, we came into Dover on the 30th of October.

Q. When did you ſee captain Watſon after you came into Dover?

Readard. I did not ſee him at all after we came into Dover.

Q. Was you one of the boat's crew?

Readard. No, I was not.

Q. Did you aſſiſt in unloading the boat when it returned from the Dutch ſhip?

Readard. I did.

Q. Where was the captain at the time?

Readard. He was on the ſtarboard quarter, he ſtood by and ſaw it. I put on board ſome muſkets, cutlaces, piſtols, a caſe, and ſome ſugar.

Q. What was done with the caſe?

Readard. That was put into captain Watſon's cabin.

Q. What became of it?

Readard. When we came into the harbour that was deſtroyed, about eight o'clock on the Sunday night.

Q. By whoſe order?

Readard. By Mr. King's.

Q. Do you know any thing the captain ſaid?

Readard. No.

Q. Do you know any thing of a conſultation about going to ſea again?

Readard. Mr. King told me we were to go to ſea again that night.

Q. Did you hear any body elſe ſay ſo?

Readard. No, I did not. At firſt coming in we ſaw the ſhip lying in the harbour; we told captain Watſon we thought it was the Dutch ſhip; they applied to the captain, and thought it would be much better to go to ſea again; he replied, he would not, becauſe it would look ſuſpicious. He made that anſwer before we got through the bridge.

Q. Why did the ſight of the Dutch ſhip make you deſirous of going to ſea?

Readard. On account of our having been on board her, and taking out theſe things.

Q. Did captain Watſon know you had taken out theſe things?

Readard. He did.

Henry Waldran ſworn.

Waldran. I know captain Watſon.

Q. Had you any converſation with him after this affair happened?

Waldran. Yes, Sir, we ſailed out of Dover Pier the 20th of October, I was one of captain Watſon's crew.

Q. Did you ſee any dollars on board?

Waldran. I look'd down into the cabin, and ſaw captain Watſon, King, and Harmon there, counting the money; Mr. Watſon took out a bag and gave it to King, and bid him put the money in.

Q. What ſort of money was it?

Waldran. It was large and ſmall money.

Q. Was it Engliſh coin.

Waldran. I was not nigh enough to ſee. I told captain Watſon theſe proceedings could not do, and it would not proſper.

Q. What proceedings?

Waldran. What I ſaw come on board, I thought it was not lawful. He ſaid, you fool, if I pay for it once, I go clear twenty times. I was ſhocked at it.

Q. What time was this?

Waldran. This was about nine at night, after the things came on board.

Croſs examination.

Q. Was you on board the boat.

Waldran. No, I was not.

Priſoner's defence.

I know nothing at all of what is charged againſt me, and though I ſtand charged upon life and death I will not tell a lye. I went out before the eyes of 500 people, the ſhip I ſaw was about ſix miles off, ſhe was directly bound for the coaſt of France; ſhe being in my way, I brought her too, and deſired my officer to go and ſend me the mate and papers on board, becauſe there ſhould be no defraud. When the boat returned, the man came to me, we looked at the papers. I ordered them to return immediately, and not ſtop five minutes. I waited a little while, and then grew impatient: I called to them, they gave me no anſwer. I aſked the reaſon they did not come when I called them. The ſhip edged away from us, we dropped aſtern, and I called them again. They did not ſeem to be in a hurry to put off: I told them I would abſolutely ſink them if they did not come. I am a quarter part owner of the ſhip, a new veſſel, a very remarkable one. I called to them a third time to come immediately, or I would leave them behind. I wanted to go to the coaſt of France. When they returned, I ſaw ſomething white in the veſſel; I ſaid, what is that? They made me no anſwer. I ſaid, you ſhall carry it all on board. With that one of the men jumped out, and hid himſelf below. I ordered the linguiſt to hail the ſhip; we came up with her. The linguiſt ſaid to the Dutchman, bring too, to take your goods again. They ſaid, what all my goods: I ſaid to the linguiſt, tell him all his goods. My men did not want for proviſion and liquor. I never ſought for liquor. It was not worth my while to rob any Dutch veſſel; I have taken 200 ſail, and condemned them all as lawful prizes, and I hope I ſhall take as many Spaniards before I die. If theſe men that come againſt me robbed the Dutchman, I know no more of it than the child unborn. I muſt be a great villain indeed, to go out in ſight of 500 perſons, and with an eaſterly wind, and am as well known in Holland as I am in England, to be guilty of what I am charged with. I have as good as an hundred a year from the Dutch: can it be imagined that I would go to rob a Dutchman of a little liquor, I ſcorn it. It is impoſſible to keep men on board privateers honeſt, they are in general a very bad ſet of men. I cannot find a man on board my ſhip, that ſaw any arms come over my ſhip's ſide; I aſked every one of them to a man. When King mentioned the caſe to me, I talked to him about it, I aſked him if the Dutchman had been wronged of any thing. He ſaid, perhaps he may ſwear he has been robbed; they would ſay they would make a ſhip pay 6s. 8d. and ſhare it amongſt themſelves. To be ſure it is a very bad cuſtom, and it was out of my power to break them of it; for my part I had rather ſee a Frenchman than a Dutchman at any time. All that know me, know I was always above that of robbing a Dutchman of a little liquor, that will not do for me. I have been ſeven months now in cuſtody.

For the priſoner.

John Willis ſworn.

Willis. I live at Dover, I was one of the crew of the Fly privateer.

Q. What burthen was ſhe?

Willis. I do not know; ſhe carried ten guns, and ſometimes 38, ſometimes 40 men.

Q. In what capacity was you?

Willis. I was before the maſt.

Q. Do you remember the time of bringing a Dutch ſhip too?

Willis. I do, it was on the 20th of October; there was a boat ſent on board her, the boat brought back the mate and the papers for the captain to examine them; after he had looked at them, he ordered the people of the boat to carry the mate, with his bills of lading, on board again, and not to bring the leaſt thing in the world away, but to return immediately.

Q. Was you one of the boat's crew?

Willis. No, I was not. As ſhe did not come ſo ſoon as the captain ordered, he ordered our veſſel to be tacked about, and run down to the Dutchman; he took the ſpeaking-trumpet, and ſaid, if they did not come away immediately, he would go away and leave them; they ſtaid ſome time after that; the captain tacked about again, and ſaid, if they did not come, he would not ſtay a minute; preſently they came along ſide, this was about ſix o'clock.

Q. Could you ſee any thing in the boat from the ſhip?

Willis. I ſaw ſomething looked like bags, and captain Watſon ſeeing ſomething, he ſtamped upon the deck, and ſaid, you have robbed the Dutch ſhip; with that they were going to jump out; he ſaid, the firſt man that offers to come out of the boat, I'll fire a ſwivel into you, and ſink you.

Q. Did any come on board?

Willis. John Harmon, the linguiſt did.

Q. Did he come with, or againſt the will of the captain?

Willis. That I do not know.

Q. Was there any anſwer given from the people in the boat?

Willis. They ſaid they were afraid the boat would ſink. The captain told them, if the boat ſunk, they ſhould carry it on board again.

Q. Was it a high ſea?

Willis. It was a very high ſea. They went back again to the Dutch ſhip; the ſhip was hailed by John Harmon, the linguiſt.

Q. Do you underſtand Dutch?

Willis. No, I do not. Captain Watſan ordered Harmon to hail the ſhip, and tell them every thing ſhould be brought on board again. Harmon ſaid, what, every thing? The captain ſaid, yes, every thing.

Q. Did you ſee whether any goods were in the boat when it returned the third time.

Willis. There was nothing in the boat but a little liquor, which Harmon ſaid the Dutch captain had gvien him.

Q. To whom did he ſay that?

Willis. I heard him tell captain Watſon ſo. The caſe of liquor was brought the ſecond time of returning.

Q. Did you ſee any fire-arms in the boat?

Willis. No, I did not.

Q. Did you hear any talk of any money?

Willis. No, I did not.

Q. Did you ſee any dollars?

Willis. No, I did not.

Q. Did you ſee any cag of ſugar?

Willis. No.

Q. Had you ever been any cruize with captain Watſon before this.

Willis. No, I ſailed with him ſix months after, we took between 20 and 30 prizes, which were all condemned as lawful prizes.

Q. Did you bring too other ſhips?

Willis. Yes.

Q. Did you ever hear captain Watſon give encouragement to pilfer?

Willis. No.

Q. What were generally the orders he gave the boat's crew?

Willis. He always gave them ſtrict charge not to touch the leaſt thing in the world, and that if they did, he would confine them.

Croſs examination.

Q. What became of the caſe?

Willis. It was put down in the forecaſtle by the linguiſt's order. He told the captain, the Dutch captain had made him a preſent of it.

Q. Was it not put into the cabin?

Willis. No, not to my knowledge?

Q. Was you upon deck when the caſe was handed up out of the boat?

Willis. I was, and was looking down into the boat. I was upon deck when they came back all the three times.

Q. Are

Q. Are you able to ſay what was handed out of the boat?

Willis. Yes, I ſaw nothing come out of the boat but the caſe of liquor.

Q. Are you ſure no fire arms were handed out of the boat.

Willis. I am ſure there were none. There were none that I ſaw.

Edward Gariſon ſworn.

Gariſon. I was on board the Fly privateer in October 1757.

Q. In what capacity?

Gariſon. I was before the maſt. I remember the day we ſailed from Dover we brought too a Dutch veſſel; they went on board in order to ſearch the veſſel for her papers, and to bring the bills on board. There were orders given by captain Watſon not to plunder in the leaſt; that was his order every time the boat put off from the cutter. The mate and papers were brought on board, and ſent back again; ſhe ſtaid there ſome time, and captain Watſon ordered them to come on board immediately, or he would leave them. When they came on board it was dark.

Q. Where was you when the boat came back a ſecond time?

Gariſon. I was between the after gun and the ſecond abaft. I ſaw ſomething that I thought might be bales or bags, but what was in them I cannot tell, they looked white. Captain Watſon was upon deck, not a great way from me; he was abaft. He aſked them what they had in the boat. I do not know what anſwer they made. He deſired them to put off with it immediately and carry it back, or he would fire a ſwivel into her and ſink them.

Q. Did any body come on board?

Gariſon. Yes, the interpreter did, and he brought a caſe or box on board. I cannot ſay the captain ſaw it at that time, but he did afterwards, for he carried it forwards, and ſet it down. The captain aſked him, what he had got there: He ſaid it was a caſe of liquor the captain had made a preſent of to him and the boat's crew. It was very rough weather; they ſaid, they were afraid they ſhould ſink. He ſaid he would ſink them them if they did not go. They went, but when they came along ſide the Dutch ſhip what they did I do not know. I remember captain Watſon gave orders to the linguiſt to hail the Dutch ſhip to bring too to receive all her goods, that the boat's crew had robbed him of. The linguiſt ſaid, muſt I return all the goods. Captain Watſon ſaid, all the goods. I was by when the boat returned the laſt time.

Q. Did you ſee any goods, fire arms, or any other things handed out of the boat into the privateer?

Gariſon. No, I did not ſee one thing handed out of the boat; if they had brought fire arms on board, I am ſure I muſt have ſeen them. I ſailed with captain Watſon fourteen months; we took, I think, about twenty-five French veſſels in the time. They were all condemned. Some that had nothing but ballaſt, were ranſomed.

Q. At the times the captain uſed to ſend his boat to veſſels, what were the orders he gave?

Gariſon. I have gone on board; he gave orders never to plunder, but to ſearch for all the papers. He was ſuch a commander, that I believe there are not many better; he would face any thing.

Q. Is he a man of worth?

Gariſon. I believe he is a man of as much worth as moſt people that go to ſea.

Croſs examination.

Q. Did you drink of this liquor?

Gariſon. No.

Q. Did you ſee the caſe afterward?

Gariſon. I ſaw it in the hold.

Q. Are you ſure it was not in the cabin?

Gariſon. To the beſt of my knowledge it never was.

Daniel Gray ſworn.

Gray. I live at Canterbury, I am a baker, I did belong to the Fly privateer four years ago. On the 20th of October we ſailed from Dover; we brought a Dutch veſſel too about five in the afternoon; the boat's crew went, and brought her chief mate and papers on board, and captain Watſon examined them in his cabin, and he ſent the boat with the mate and papers on board again; they ſeemed to be a long time before they returned, becauſe the wind was high, and it was a rough ſea. The captain was impatient becauſe they did not return. When they returned there ſeemed to be ſome bales of goods. I was very near the captain; he aſked, what they had got there. They told him. He gave orders to carry the things again, and ordered Harmon, the linguiſt, to hail the veſſel to take his goods again. Harmon ſaid, what, all the goods: The captain ſaid, yes, all the goods. They ſtaid a great while; the captain ſaid he

had a great mind to go and leave them. At the ſecond time I ſaw nothing but a caſe of bottles; I think John Harmon put them on board, and came on board directly. The captain aſked him, what he had got there: He anſwered, a little liquor that the Dutch captain made us a preſent of. Very well, ſaid the captain, then take it to yourſelves, and it was taken down the hatch-way.

Q. Did you ſee any money, or dollars?

Gray. No, I did not, nor heard of any, till three weeks a month or after the captain was taken up.

Q. What was you on board?

Gray. I was ſteward of the veſſel.

Croſs examination.

Q. When did the linguiſt come on board?

Gray. When the boat returned the ſecond time.

Q. What time was it?

Gray. It might be half an hour or three quarters after five o'clock.

Q. Was captain Watſon ſatisfied with the anſwer, when he ſaid it was a preſent?

Gray. He ſeemed to be no way diſſatisfied.

Q. How much liquor was there?

Gray. There was about 5 pints of brandy, I believe.

Q. Is it cuſtomary at ſea for captains to make preſents of liquor to one another?

Gray. It is very cuſtomary ſo to do.

Richard Marſh ſworn.

Marſh. I belonged to the Fly privateer at the time of viſiting this Dutch ſhip.

Q. What was you on board?

Marſh. I was cook.

Q. Do you remember the boat returning a ſecond time?

Marſh. I do.

Q. Before the boat returned the ſecond time, do you remember any hailing from your ſhip, for your boat to return?

Marſh. No.

Q. Do you remember your boat coming on board, and ſeeing any thing in the boat, and any order given upon it?

Marſh. Yes, I ſaw it myſelf, they looked to me like bags, ſeemingly white. Captain Watſon looked over the ſhip's ſide, and ſaid, you dogs, you have robbed the veſſel. There was no anſwer to that. The captain ſaid, if you do not return with the goods, I will immediately fire a ſhot into you and ſink you. The men ſaid, the ſea ran very high, and they did not know how to go. He ſaid again, if you do not immediately go, I will ſink you.

Q. Do you remember John Harmon coming on board?

Marſh. I do; he brought ſomething in his hand like a caſe.

Q. Was it before or after the captain's charging them in the boat with having robbed the Dutchman?

Marſh. It was before that. I ſaw nothing but that caſe of liquor handed on board.

Q. Was it light enough to have ſeen fire arms and a cag of ſugar, had there been any ſuch things?

Marſh. Yes, it was.

Q. Did you ſee any Dutch or Spaniſh money?

Marſh. No, I did not, the time I was on board.

Q. Were there any orders given by captain Watſon to the boat's crew, on their going on board the Dutchman?

Marſh. He gave them orders to carry the mate and papers, and to return as ſoon as poſſible. I went after that a three months cruize, and after that a ſix months cruize. He was an extreme bold man.

Croſs examination.

Q. Whether the captain did not aſk them what they had in the boat, before he ſaid, you dogs, you have robbed the veſſel?

Marſh. No, he ſaid that before he aſked what was in the bags.

Q. Did you hear any thing of the ſhip's crew deſiring the captain to put to ſea again when you got to Dover?

Marſh. No, I did dot.

Thomas Groſvenor ſworn.

Groſvenor. I ſailed with captain Watſon two years almoſt in the laſt war in the Weſt-Indies. I have known him from his infancy, he uſed me very civilly and genteely when we were brother priſoners together.

Mr. Streeting ſworn.

Streeting. I have known captain Watſon 12 or 13 years. I am part owner of this privateer, he owns a quarter of her.

Q. Is he a man of property?

Streeting. I believe he is, and I never heard but what he had a very a good character as to that of a moral man. He behaved well in the town where he lived.

Q. Do

Q. Do you remember any converſation with the evidence King, touching his being a witneſs for captain Watſon?

Streeting. He ſaid he would not appear, for he could do him neither good nor harm.

James Groſvenor ſworn.

J. Groſvenor. I have known captain Watſon ever ſince I can remember, he always behaved well. I have ſailed with him many times.

Captain James Boxer ſworn.

Boxer. I have known captain Watſon 20 years, and upwards; he has a very good character of that of an honeſt man. I have been intimately acquainted with him, we cruized together. I was captain of the Hornet privateer.

Stephen Norris ſworn.

Norris. I have known him ever ſince I can remember. I live in the ſame town he does. He bears a general good character.

James Lucas ſworn.

Lucas. I have known him 12 years, he is a very honeſt man.

Earle Goodwin ſworn.

Goodwin. I have known him from his infancy, he always bore an extreme good character.

Anthony Beacon ſworn.

Beacon. I have reaſon to believe captain Watſon to be an honeſt man, or I ſhould not have engaged with him in a privateer.

Mr. Paterſon ſworn.

Paterſon. I always looked upon captain Watſon to be a very honeſt man. Acquitted.

THE

THE

PROCEEDINGS

On His Majesty's Commission of Oyer and Terminer, and Gaol Delivery, for the

High Court of Admiralty of *England*;

Before the Right Worshipful Sir THOMAS SALUSBURY, Knt. LL. D. Judge of the High Court of ADMIRALTY; The Right Honourable Sir CHARLES PRATT, Knt. Lord Chief Justice of the Court of COMMON PLEAS; The Honourable Sir THOMAS PARKER, Knt. Chief Baron of the Court of EXCHEQUER; and others his MAJESTY's Commissioners of Oyer and Terminer and Gaol Delivery for the ADMIRALTY of *England*, held at JUSTICE-HALL, in the *Old-Bailey*, on *Tuesday*, *March* 30, 1762.

A BILL of indictment was found by the Grand Inquest against Thomas Smith, otherwise Harding, Matthew Johnson, Lawrence Tearnan, otherwise Tearman, John Smith, John Hughes, Thomas Baldwin, and Robert Wain, mariners, for that they, with divers other persons not yet taken, on the fifth of May, in the first year of the reign of our Sovereign Lord George the Third, King of Great Britain, &c. with force of arms upon the high seas, within the jurisdiction of the Admiralty of England, between Cape Ortegal and the island of Cysago, about the distance of three leagues from the said island of Cysago, on the coast of Spain, in parts beyond the seas, being mariners on board a certain private ship of war, called the King George, whereof John Read was then commander, did endeavour to make, and did procure, cause, and make a revolt in and on board the same ship, and in and upon the said John Read, piratically and feloniously did make an assault, and confine, against the form of the statute in such case made and provided, and against the peace of our Sovereign Lord the King, his crown and dignity; and that they did betray the trust in them reposed as mariners of the same ship, and then and there upon the high sea aforesaid, piratically and feloniously did turn pyrates, and the said ship, with the tackle and furniture, &c. of the value of 1000l. from the care, custody and possession of the said John Read, against the will of the said John Read, piratically and feloniously did steal, take, and run away with, they being each and every one of them mariners in the said ship.

To this indictment they pleaded not guilty, and for their trial put themselves on God and their country: whereupon the following gentlemen were sworn upon the jury:

Henry Kent, *Foreman*,	Thomas Nash,
John Curtis,	Samuel Newton,
Thomas Thorn,	Samuel Holmes,
Peter Moulson,	William Noss,
John Delafield,	Samuel Gwillam,
William Bruce,	Robert Phipps.

The witnesses were examined apart.

James Anderson sworn.

Anderson. I belong to the Admiralty-office in Doctors Commons. (*He produced a book.*) This is the original letter of marque book kept in our office; it is for the French war. Here is the record of the commission of captain Read, of the private ship of war called the King George, a letter of marque. It was granted in the first year of his present Majesty's reign.

Thomas Gardiner sworn.

Gardiner. The private ship of war, called the King George, fitted out in March 1761, John Read, commander, she was bound on a cruize

cruize againſt the French, on the coaſt of Galicia, I was ſailing-maſter of the ſhip.

Q. Do you know all the priſoners at the bar?

Gardiner. I do. He called each by his name.

Q. Do you remember any diſturbance on board that ſhip, when on that cruize?

Gardiner. I do. It began on the 1ſt of May, 1761, the day we took the firſt prize. We were then at ſea, about twenty leagues from cape Ortegal; it proceeded to a great height. The prize we took was a brig, called the Amiable Maria, from Bourdeaux to St. Domingo. I boarded her, one Charles Cannon came on board, none of the priſoners came on board. On the 4th of May, about three or four in the afternoon, I and ſeveral officers were walking on the quarter deck, there was an account brought to us that the ſhip's company had broke the fore hatchway. I being maſter of the ſhip, thought it my duty to go forward, to ſee what was the matter. There I found William White and Owen Murphy had broke the fore hatchway; they had drawn the ſtaple, and got down upon the wine that we had taken; we had put ſix caſks there of the prize wine for the uſe of the ſhip's company. They were hoiſting one of them out, I jumped down, and ordered them to deſiſt. Murphy and White told me to get out of the fore hatchway, or they would do for me. Upon which Lawrence Tearnan, one of the priſoners, with a kniſe open, back handed, ſwore by the Holy Ghoſt, and by the Lord Jeſus, that if I offered to interrupt them ſeizing it out, that it ſhould go to my blood bowl. I jumped out of the hatchway, ſeized it, took it out of his hand, and threw him acroſs one of the cheſts, and told them to deſiſt taking the wine out. By this time captain Read and his officers were round the fore hatchway upon the deck, armed. I was then down between the decks. Then Lawrence Tearnan took a crow up, and ſwore by the Lord Jeſus and the Holy Ghoſt, if they offered to fire (pointing to Captain Read) he would drive that through him. Upon this captain Read and his officers declined to oppoſe them. I was watching their motions, as having the charge of theſe things. Upon which one John Ryan (not one of the priſoners) came and ſaid to me, maſter, you had better go on deck, if you offer to hinder them from getting the wine up it will be worſe for you. One caſk of wine was hoiſted out, and Murphy ſwore by Jeſus he would cut my head off, if I did not go out of the hatchway. I went upon deck. As ſoon as the caſk was on deck, they ſtaved the head in, and drank the wine out of bowls, their hats, or what they could get.

Q. Were any of the priſoners concerned in it?

Gardiner. Baldwin, Tearnan, and John Smith were amongſt them. Tearnan made uſe of moſt bitter blaſphemous expreſſions, by the Holy Ghoſt. They gave themſelves the title of the Holy Ghoſt. John Smith, he over-hauled the tackle, that is the pully that we purchaſed things up with. They drank part, and flung ſome of the wine about at one another. It was ſoon out, they ſwore by Jeſus they would have another up, then they over-hauled the tackle again, and got another up. I begged they would put it into the forecaſtle, and put centinels over it till we had done chaſing. We were then going in chaſe of a ſail, which was juſt in ſight. Through my perſuaſion they got it on the forecaſtle, and put it under the main ſtay (that is a large rope) ſo as to ſecure it that it ſhould not roll about, and put proper centinels over it. When we came up with this veſſel, ſhe proved to be a Spaniſh ſettee. Our ſecond captain went on board, but finding he could make nothing of her, he came on board again. This might be about five o'clock. As ſoon as we had ſhortened ſail, and brought the ſhip too, Owen Murphy came upon the quarter deck, and took the ſpeaking-trumpet in his hand, and ſaid, Harkee, you fellow, mind and take the command from me, I command this ſhip.

Q. When was this?

Gardiner. This was on the 4th of May.

Q. Were any of the priſoners by within the hearing of this?

Gardiner. All the priſoners were there, ſome in one part of the ſhip, and ſome in another; the chiefeſt part of the hands were upon deck, there were very few below: I went to him and ſaid, no, Murphy, you do not command this ſhip; he ſaid, d—n your blood, I command this ſhip now, I am captain of her. I ſaid, no, Murphy, you are hardly captain of her; he took up the trumpet and knocked it againſt a water butt and knocked it all to pieces; he ſaid, where is the key of the arm cheſt, by the Holy Ghoſt I will have the key of the arm cheſt. We had poleaxes, weapons which we uſe on board the ſhip, they are

round the ſhip's ſide, they are little hatchets; Murphy took one of them with an intent to come and break the cheſt, to come at the arms: I went and ſet down upon it, and ſwore he ſhould not break it, and took and twiſted the poleax out of his hand: the reſt of the officers took the poleaxes out of the way of the other people; upon this William White came aft, and ſaid he was commander of the ſhip. He went into the paſſage that goes to the great cabin, and ſeized the centinel's cutlace out of his hand; upon which Mr. Pine, Mr. Quinnell, and myſelf, jumped down after him: we kicked his heels up, and wrenched the cutlace out of his hand, and by drawing it through his hand, we cut it; upon this the captain ordered White to be put in irons; then the ſhip's company came aft and ſaid, one and all, one and all.

Q. Do you recollect whether any of the priſoners were preſent in this?

Gardiner. I cannot in particular ſay which of the priſoners were preſent, becauſe there were ſuch a number of men, there were about 200 men on board: upon this captain Read thought proper not to put the man in irons; then the ſhip's company began to quarrel with one another, and I think we had 32 battles that afternoon; after this they ſeemed to be pretty quiet, and went to their hammocks; the captain adviſed with us, and we thought proper to ſit up with him in the cabin all night with arms. About two in the morning, on the 5th of May, we were acquainted they were breaking open the fore hatches again, for I had ſecured that after they had ſeized the wine up the evening before; then captain George Burford our 2d captain, aſked me if I would go down in the hold along with him, to ſee if we could catch any of them breaking the hatchway open; we took each a pair of piſtols, and went through the ſmall paſſage in the after part of the ſhip; they found we were there, they called out, d—n my eyes we are deceived, for here is father red cap come amongſt us, that was Mr. Burford, he wore a red cap: then they deſiſted, and every thing ſeemed to be pretty quiet till about ſix in the morning; then William White went to captain Read and aſked pardon for what he had done the day before, and captain Read forgave him. I thinking I had influence over Murphy, ſent for him to adviſe him to go and aſk pardon likewiſe. He ſaid he would ſerve me by night and by day, but what ſignifies my aſking pardon, when I am ſworn.

Court. Go on to what was done by the pr ſoners, or in their preſence.

Gardiner. The ſhip's company continued in a riotous manner, I was perſuading them to make a regular complaint if they had any to make; upon which I heard ſeveral of them, particularly Tearnan ſay, it was not meat or drink that they wanted, but it was the ſhip they wanted. Upon that I heard a great noiſe behind me, in the after part of the ſhip; I went towards the cabin door, there I found ſeveral of the mutineers, moſt part of the ſhip's company, particularly Robert Main for one; the cabin door was open, I ruſhed in, and found the officers under arms; I took hold of a piſtol that lay on the table, and cocked it; Owen Murphy d—d captain Read's blood, and called him an old villain, and ſaid, he valued the piſtols no more than cabbage ſtumps, and bid the officers fire away, and opened his breaſt; upon which a piſtol was fired from the cabin, and down Murphy fell by my ſide; then we made a general ſally upon the mutineers, ſeveral piſtols were fired, and Robert Main received a ſhot in his hip, the whole ſhip's company in general mutinyed. Smith, otherwiſe Harding, pretended to ſide with us; he was in the cabin, and at the ſame time he was taking the arms out of the cabin clandeſtinely before we had diſcharged any piſtols, and giving them amongſt the mutineers; I ſaw him hand one piſtol and a cutlace down the fore hatchway between decks to them; this was about eight o'clock on the 5th of May.

Q. Had Main any weapon in his hand?

Gardiner. I cannot ſay I ſaw any, neither can I pretend to ſay the priſoners were there particularly, becauſe all the whole ſhip's company were there in a riotous manner. The mutineers were diſperſed upon our ſallying out, ſome ran down below, and others jumped upon the fore-caſtle; we all went back into the cabin to conſult what was to be done; it was agreed that Mr. Burford and myſelf, ſhould go out to ſee what was become of the ſhip's company, if they were ſilenced or not; upon my approaching towards the fore-caſtle, I found a number of men there with muſkets pointed at me; they bid me throw down my arms and come up to them directly, or I was a dead man.

Q. Were any of the priſoners there?

Gardiner. Lawrence Tearnan was there; I went up to them, as ſoon as I was upon the fore-caſtle, one Michael Furlong, Tearnan, and ſeveral

others came to me. Furlong clapped his wnd on my ſhoulder, and ſaid, now captain, what ſay you to a good ſhip of 200 tons; ſaid Lawrence Tearnan, ſpeak out at once, up goes Jolly Robin and the croſs bones to the maſt head; ſaid I, you are not going a pirating; they ſaid, yes, by G—d we are. This Tearnan and ſeveral ſaid; I told them no, I would not accept of any ſuch offer; I underſtood they would have given the command to me. Charles Cannon put a piſtol cloſe to my temple, and ſwore he would blow my brains out, by the Lord Jeſus, if I would not comply with the command they ſhould give me. I ſaid, I would take any charge to preſerve the ſhip and lives of the crew. Said he, do you ſee your portion, pointing to the fore yard; I ſaid, I ſee there is the fore yard; he ſaid, it is my opinion you will be ſwinging there by and by. Then Cannon ordered me to the after part of the ſhip, under a guard of 5 or 6 centinels, to take the command of the ſhip as pilot; upon which Thomas Smith, otherwiſe Harding, and his party, which were on the quarter deck (for he commanded there as firſt captain, they termed themſelves ſo;) there were firſt and ſecond captain, and all their officers, which received his command as firſt captain; they had arms handed down out of the main top upon the quarter deck; they told me, with ſeveral arms pointed to me, not to come a foot further upon pain of death, when I was going towards them.

Q. Were any of the priſoners there then?

Gardiner. Thomas Smith, otherwiſe Harding, and Baldwin were there; upon this I was kept in ſuſpenſe ſome time upon the gang-way, not ſuffered to go forward, nor to the forecaſtle, till Charles Cannon, who ſtiled himſelf 2d captain, and Smith, otherwiſe Harding, who ſtiled himſelf 1ſt captain, conſulted together. Upon their conſultation, I was called aft to the quarter deck, and the propoſal was made to me again, to take the command of the ſhip, by Smith, otherwiſe Harding, Cannon, and the reſt of them. I refuſed it again; Smith, otherwiſe Harding, ſaid, d—n you you dog, then you ſhall carry me into Corunna, that is the Groyne. I told them it was impoſſible to carry them in there, the wind being at north-eaſt; but I knew a port called Camareena, and I would carry them in there; Smith, otherwiſe Harding, ſaid, d—n you you dog, don't you think I know the way into Corunna as well as you, that is it right a head: I ſaid, no, that is not, and if you run your ſhip in there, you will loſe her, and all your lives; upon this Lawrence Tearnan ſaid, run her on ſhore, let us all drown, and go to hell together. Smith took up a cutlace, and ſtruck me croſs the back with it; I found it was the flat of the hanger; he ordered me to the other part of the ſhip, they took the command of the ſhip amongſt themſelves, and run the ſhip before the wind, and were running her into Cyſago, not into Quarner's Bay. I being cautious of the danger we were in, made me very uneaſy, (I was then a priſoner on the quarter deck, under guards.)

Q. Who was at the helm?

Gardiner. I cannot ſay who was there, I think it was one O'Brian; I begged the liberty to ſpeak to Charles Cannon, I thought he was a little more cool than Smith, otherwiſe Harding; I was admitted to ſpeak to him. I told him the conſequence of their going in there, that they would loſe their ſhip and all their lives, and begged they would deſiſt running her in there; upon which Smith and Cannon conſulted together, and I was reſtored to my liberty again. Where they were going in was foul ground, nothing but rocks, very deep water, no anchorage: before I took the charge of the ſhip as pilot, I told Smith, otherwiſe Harding, and Cannon, without they aided and aſſiſted me in working the ſhip, as I was going to a critical place, I ſhould meet with difficulty. I reaſſumed the command again as pilot, and gave my command for Camarena; I had not gone far, before Lawrence Tearnan, Baldwin, Smith, otherwiſe Harding, with ſeveral others, propoſed what death they ſhould put the captain and officers to, (this was in my hearing) Lawrence Tearnan on his knees, opened his breaſt, and with bitter expreſſions, ſwearing by Jeſus and by the Holy Ghoſt, he would have blood for breakfaſt, blood for dinner, and blood for ſupper. He then made a propoſal for pointing a four pounder aft, loaded with muſket-ſhot, and to bring the captain and all his officers in irons on the quarter deck, and there to ſtaple them down and fire at them.

Q. Were any of the priſoners there then?

Gardiner. Smith, otherwiſe Harding, and Baldwin were there; I begged of them to deſiſt from any ſuch thing, and ſaid, there has been blood enough ſpilt already, you are now going into a port where you may get your liberty, but for God ſake do not commit ſo horrid an act as murdering the officers; if you go on ſhore, it

will be looked upon as ſome drunken frolick, but as ſure as there is murder committed, the laws of Spain are as ſtrict againſt murder, as the laws of England. By this I perſuaded them all from it, but Tearnan ſtuck out to the very laſt, and ſaid, he would have blood for blood; none of the officers being upon deck, I begged liberty of their captain Smith, otherwiſe Harding, that I might have ſome of the officers up, to give me aſſiſtance in carrying the ſhip in; I propoſed one, and another, but it was refuſed by the mutineers; at laſt I propoſed Mr. Quinnell, they allowed he ſhould come up, and after that be handed down again by Smith, otherwiſe Harding, and Cannon; he was not to aſſume any command as lieutenant of the ſhip, only to receive the order from me, and for his advice, and be put in commiſſion by Harding and Cannon the ſuppoſed captains of the ſhip. I propoſed the boatſwain and two of my mates to come up, to get up the anchor and bend the cable, that alſo was granted; then I wanted ſadly to ſee the officers, to ſpeak to the captain and them to give them a little ſpirits, as they had been ſo long in confinement.

Q. How were they confined?

Gardiner. I cannot tell that, as I was upon deck, and they below. I know they were confined, becauſe there were above 30 centinels round about of the mutineers.

Q. Were any of the priſoners centinels?

Gardiner. Hughes was one, round the companion, a place where we go down, he ſtood on the quarter deck; there were centinels round the bulk head of the cabin: every man at the bar, except Bob Main had a piſtol and cutlace in his hands; Main was wounded and carried down into the cockpit; every man was under arms; Johnſon was under arms on the quarter deck. As I could not ſee the captain and officers, I made excuſe that I was an hungry, and ſhould be glad to go down to get a bit of ſomething to eat; Cannon came to me, and ſaid, if you are hungry, is there not enough on board the ſhip; ſpeak, what will you have, will you have a hog killed or a turkey; what will you have; I ſaid, a turkey. He takes a turkey, and with his cutlace ſtruck its head off; and ſaid, here, God d—n you, here goes old Read's head. I could not yet get down to ſpeak to the officers; at laſt I told them I ſhould be glad to ſee my draught: it was a critical place going in at, and it was in the cabin, This was conſented to by Harding, that I ſhould go down, but under pain of death if I did not return to my ſtation as pilot of the ſhip, in five minutes. I went down into the cabin, there I ſaw captain Read ſiting with his noſe bleeding, cut almoſt off, holding it up with his hand. The ſurgeon, Roger Morton, was along with him; there was alſo captain Burford, Mr. William Pine the 4th lieutenant, Mr. Alexander Ervin, officer of the marines, with ſeveral other petty officers, ſitting in a melencholy manner in their confinement, with centinels both without and within the cabin. I had not time to take notice who were the centinels; captain Read ſaid, maſter, do you know what the mutineers intend to do with us. Thomas Smith, otherwiſe Harding, went along with me; I took my draught and returned on the quarter deck, to take charge of the ſhip as pilot: about 5 in the afternoon, I brought the ſhip to an anchor; then Thomas Smith, otherwiſe Harding, and all the priſoners at the bar, together with 92 in number, ſeized the boats out, and went on ſhore, and carried me on ſhore with them. They went to Camarena, and wanted to take me with them; I ſaid, I ſhould take the boats and return to the ſhip again; I hired ſome Spaniards, and the reſt of the mutineers got in the boats and went on ſhore. I told captain Read they were gone, and he returned to his poſt and took the command of the ſhip again.

Q. Did all the priſoners at the bar go on ſhore?

Gardiner. They did, except Main, who was wounded. Baldwin returned with me from Corunna; I followed the priſoners over land there, and had them taken up there by order of Mr. Jourdan our conſul, and brought them back to the ſhip.

Q. Did any of the priſoners return of their own accord?

Gardiner. Baldwin did. I made a propoſal, that if any would return to their duty, I would give them 2 piſtereens a man; but inſtead of their returning back to the ſhip, they went away to Ferrol, and went on board Spaniſh men of war; but this Baldwin I brought back with me.

Q. After they had taken the command of the ſhip upon themſelves, how came they to direct you to go to Corunna Bay?

Gardiner. It was my propoſal to carry them there, for they were unacquainted with the place,

place, and knew not where to go. There were none I believe, knew where to carry her, and they delivered up the care of the ſhip to me.

Q. from Smith, otherwiſe Harding. Did I not aſk you whether there was a garriſon at Camarena, when I made the propoſal for going there?

Gardiner. They threatened me upon pain of death, if I carried them into any place where there was a garriſon. I ſaid, if any notice was taken of us, I would ſay it was an Engliſh cruiſer come in to water.

Q. from Smith, otherwiſe Harding. Did not Will White return on board the ſhip, and was forgiven by the captain?

Gardiner. He did.

Q. from Smith, otherwiſe Harding. Whether the people did not go aft ſeveral times, and aſk for proviſion, and whether the hatches were not locked up from eight at night till eight in the morning?

Gardiner. They were always kept locked up; the water was always ſtarted into a butt, where every body had free liberty to come to it when they thought proper; they had the ſame allowance as the king allows, a pint of wine a day, but they were not contented: they ſaid, it was not proviſion they wanted, but the ſhip they wanted.

Q. from Smith, otherwiſe Harding. Was it not neceſſary for a man to have water by night as well as by day?

Gardiner. The water was always upon the quarter deck, they were never refuſed it; their firſt complaint was, they had not bread ſufficient; upon which captain Read gave orders, that if they had not ſufficient, they ſhould have a pound of bread more a week; they had five pounds a man, and he ordered them ſix pounds; this was before the mutiny; as for beef and pork, there was no certain allowance at all, that was delivered out cut in pieces, five or ſix pounds in a piece, as it happened: Smith, otherwiſe Harding, ſwore he would not take up his allowance (as to the wine,) he would have more he ſaid, he did not underſtand prize wine to be ſerved out by allowance, they would have it at the maſt, and drink as they thought proper.

Q. Had they a ſufficiency of allowance of meat and drink?

Gardiner. They had.

Q. from Johnſon. Was I centinel on the quarter deck, or not?

Gardiner. I ſaw Johnſon under arms ſeveral times that day on the quarter deck, and other parts of the ſhip, as they paſt and repaſt ſeveral times.

Q. from Johnſon. Did you ever ſee me miſbehave on board the ſhip before this?

Gardiner. At this time, every body behaved ill; I never ſaw him behave in particular worſe than any of the reſt.

Q. from Tearnan. Where was I at the time I took up the crow?

Gardiner. Tearnan was between decks, then right oppoſite the fore hatchway.

Q. from Tearnan. Did I not belong to the gunner's crew?

Gardiner. Yes.

Q. from Tearnan. Did I hurt any body with the crow?

Gardiner. No, nobody; but he ſwore he would.

Q. form Tearnan. Do you think I was capable at that time of hurting any man? I had been ill.

Gardiner. He certainly was capable of ſtabbing me, when he had the knife drawn in his hand.

Q. from Tearnan. The queſtion is, with the crow?

Gardiner. I can't immediately anſwer that; if he was ſick, the ſurgeon is the beſt judge of that. I did not perceive he was ill.

Q. from Tearnan, Where was I in the ſhip when I took the knife out?

Gardiner. He was in the ſame place, where he took up the crow afterwards, between decks.

Q. from Tearnan. What time was it?

Gardiner. I believe it was about 3 o'clock in the afternoon.

Q. from John Smith. Whether I had any arms in my hand?

Gardiner. I did not ſee John Smith on the quarter deck; he was on the main deck almoſt all the day; he had arms, but he was not immediately under my inſpection.

Q. from John Smith. Did I not aſſiſt you in all caſes?

Gardiner. John Smith acted as boatſwain of the ſhip in the mutiny, and then by my order from the quarter deck, as I was emyloyed by Thomas Smith, otherwiſe Harding, and the reſt of the mutineers. What I ordered, he obeyed.

Q. *from John Smith.* Did I ever misbehave before, on board the ship?

Gardiner. No; he was very well in his station.

Q. *from Hughes.* Had I any arms in my hand?

Gardiner. I saw Hughes with arms in his hand.

Q. *from Main.* Did I ever misbehave or neglect my duty?

Gardiner. No, never.

Q. Did you see me with arms?

Gardiner. I can't say I did.

Thomas Lattimore sworn.

Lattimore. I went out on a cruize on board the King George privateer of Bristol. On the first of May we took a prize, and took six casks of wine out of the prize on board the privateer. On the 4th of May the prisoners *(naming them all)* and others, broke open the hatches, hoisted two casks of wine out, and what they could not drink they spilt; and on the 5th of May they took the ship away from captain Read.

Q. What do you mean by that?

Lattimore. John Smith, Thomas Smith, and others, went to the cabin door, and the captain stood in his own defence with a brace of pistols, and he shot Owen Murphy.

Q. Do you know any thing that passed between the prisoners at the bar and the ship's crew, of what they were to do?

Lattimore. The first agreement was, they were sworn on the starboard side.

Q. Which of the prisoners were sworn?

Lattimore. John Smith, Thomas Smith, Hughes, and Johnson. They swore to take the ship from captain Read, and go a pirating to the East-Indies.

Q. Did you see a book?

Lattimore. There was a book; Baldwin produced it.

Q. Where was this?

Lattimore. This was on the coast of Spain, about two or three o'clock, I cannot tell what day of the month. They were all sworn to be true to one another till death. Baldwin mentioned it to be all true to one another.

Q. What book was it?

Lattimore. I cannot say whether it was a Testament or a Bible. The men kissed the book.

Q. What was said?

Lattimore. They said they would stand true till death, then they kissed the book. Baldwin was the first that kissed the book; Thomas Smith, otherwise Harding, kissed the book; so did Matthew Johnson, so did John Smith, Lawrence Tearnan, John Hughes, and Robert Main.

Q. Did you agree with them?

Lattimore. I would not agree to kill the officers.

Q. Was there any consultation about that?

Lattimore. There was mention made either to run them up the yard-arm, or blow their brains out. This was after they were sworn. Thomas Smith and Tearnan proposed to kill captain Read, Mr. Larimore the lieutenant, Mr. Quinell and Mr. Pine. After that they went to the cabin to take possession of that, and they fired from the cabin, and killed Owen Murphy, that settled them for a time. Then they offered the ship to Mr. Gardiner, to go a pirating to the East-Indies.

Q. Who offered the ship to Mr. Gardiner?

Lattimore. Thomas Smith, otherwise Harding, and Tearnan. They said to him, Now is the time to make your fortune. He begged and prayed of them to deliver the ship up, and said he would carry her into Spain, and they might go on shore. They put captain Read in the cabin, and set centinels over him. Matthew Johnson was one of the centinels. Mr. Larimore was confined in the cockpit. Mr. Pine, Mr. Erivn, and Mr. Quinnell, were confined in the cabin with the captain. These were all confined till we came to an anchor in Spain, with centinels at the cockpit doors to keep them in. Then they hoisted the boats out, and went on shore.

Q. Did you see who cut captain Read's nose?

Lattimore. I did. Robert Main cut it; I was by.

Q. How was it done?

Lattimore. When they were going into the cabin they had cutlaces; Main up with his cutlace and cut the captain across the nose. That was done the second time they were in the cabin. Main was wounded, he had cut the captain before. Then the captain fired, killed Murphy, and wounded Main. Then the men got two 9 pounders, and pointed them aft towards the cabin door, loaded and primed them, with matches lighted.

Q. Who directed that to be done?

Lattimore.

Lattimore. Baldwin, Tearnan, Johnſon, John and Thomas Smith did. They bid the men bear a hand, and get them pointed aft.

Q. Why were they put there?

Lattimore. Becauſe they thought the officers were too hard for them.

Q. Who were centinels at the cabin door?

Lattimore. Matthew Johnſon and James Leval were.

Q. Was Johnſon armed?

Lattimore. He was armed with a brace of piſtols and a cutlace.

Q. from Thomas Smith, otherwiſe Harding. When you heard theſe things ſpoke of, why did you not go and acquaint the ſuperior officers?

Lattimore. Mr. Gardiner was by at the time when they ſaid, let us go a pirating; I dared not.

Q. from Smith, otherwiſe Harding. Where was that ſpoke?

Lattimore. Juſt on the gangway on the quarter deck.

Q. from Thomas Smith, otherwiſe Harding. Who was along with me then?

Lattimore. That I cannot ſay.

Q. from Johnſon. Which of us made the oath, and when?

Lattimore. I cannot tell the day of the month; it was the ſame day the mutiny happened.

Q. from Johnſon. About what time of the day?

Lattimore. About eight in the morning.

Q. from Johnſon. How long was it before we went into Spain?

Lattimore. It was the ſame day.

Johnſon. I never handled a book ſince I went on board the ſhip.

Q. from Baldwin. Whether you left the ſhip or not, when the reſt of the people did?

Lattimore. Yes, I did.

Q. from Baldwin. Where did you go?

Lattimore. I went to Corunna.

Q. from Baldwin. Did you come back again, and the captain put you in irons?

Lattimore. Yes.

Q. from Baldwin. Who was along with me as centinel?

Lattimore. James Leval was.

Q. from Baldwin. Was you not carried on ſhore the next day, with a rope put about your neck, and you flogged?

Lattimore. There was no rope about my neck, we were flogged.

Q. Was you whipped in order to make you confeſs, and give an account of what paſſed?

Lattimore. I went on ſhore a watering, and one Bourn whipped me becauſe I left the ſhip: I was not whipped in order to make me confeſs and turn evidence.

Q. from Baldwin. What was you whipped for?

Lattimore. For going to Corunna.

Baldwin. He confeſſed they gave him eight dozen laſhes.

Lattimore. No, they did not give me one dozen.

Q. from Main. Did you ever ſee me take a book in my hand to ſwear?

Lattimore. I did.

Main. You ſaid, you never ſaid ſuch a word.

Lattimore. How could I ſay ſo, when I know it is true.

Peter Quinnell ſworn.

Quinnell. I was an officer on board the King George privateer of Briſtol. She ſet out on the 19th of March laſt on a cruize, I ſailed in her.

Q. Do you remember being betwixt cape Ortegal and the iſland of Cyſago?

Quinnell. I do.

Council. Take it up on the 4th of May.

Quinnell. I know all the priſoners. On the 4th of May the fore hatchway was broke open, and the men ſeized up a caſk of wine, againſt captain Read's will, and the other officers. We could not prevail upon them to deſiſt from doing it. Lawrence Tearnan had an iron crow in his hand, and ſaid, if captain Read or his officers made any reſiſtance he would be the death of them. The next morning they broke the hatch open again, that was the 5th of May. They ſaid they would have blood for ſupper over night; and then they ſaid they would have blood for breakfaſt, blood for dinner, and blood for ſupper. Tearnan, Main, Baldwin, and Johnſon, came to the cabin door, with Owen Murphy, about eight in the morning, and ruſhed into the cabin. Murphy made uſe of bitter expreſſions to captain Read.

Q. Were they armed?

Quinnell. No, they were not at that time. Murphy opened his breaſt, and ſwore the captain ſhould fire at him. There was a firing. Smith, otherwiſe Harding, was

under

under arms. He delivered out piſtols and cutlaces to the people; he ran to a nine pounder, and aſſiſted to point it aft from the ſtarboard ſide, and then another beſides, and pointed them towards the cabin door. This was after he had delivered arms to the mutineers down the fore hatchway.

Q. Were the nine pounders loaded?

Quinnnell. They were; they ſwore they would fire them into the cabin amongſt the officers; this I heard them ſay.

Q. Was any other of the priſoners there aſſiſting, when the firſt nine pounder was pointed.

Quinell. There were others that are not here. By this time the captain and officers were obliged to go into the cabin. I was then upon the quarter deck. I ſaw a muſket in Thomas Smith's hand pointed towards the officers. At laſt one of the people, I cannot ſay who, ſaid to me, you had better go down, or you will loſe your life. Then I went down. Then one John Ryan came, and told me I might go upon the quarter deck. Then Thomas Smith, otherwiſe Harding, Tearnan, and Baldwin, preſented piſtols to me, and ſwore if I aſſiſted captain Read, or any of the officers in the cabin, I ſhould loſe my life. I deſired and begged in all love that they would moderate the affair, and conſider the conſequence that might attend it. But Smith, otherwiſe Harding, was the laſt perſon that I could bring to a capitulation. He ſwore he would hang old Read, with ſome of his officers, at the yard-arm; he would hang him as an old brute, with bitter expreſſions. On the 4th of May there was a man fell from the gangway. Tearnan ſaid then, that if that man is drowned, ſome of you ſhall loſe your lives. The man was drunk and fell over board. Matthew Johnſon was placed one of the centinel's over captain Read's cabin door.

Q. Did you ſee who the man was that cut captain Read?

Quinnell. No, I did not, the ſmoak of the piſtol intercepted it. His noſe was almoſt cut off, and another officer received a ſtab in the cheek.

Q. Did you ſee any of the priſoners there?

Quinnell. Tearnan, Main, and Baldwin were at the cabin door; Thomas Smith, otherwiſe Harding, was then in the cabin, pretending to ſide with captain Read. The captain delivered up his arms out of the cabin, and they were put in the arm cheſt on the quarter deck.

Q. What time was that?

Quinnell. I imagine this was much about 12 at noon, on the 5th of May. The officers were to remain in the cabin till the ſhip was brought into a port; this they were to do under the penalty of my life. When they came into the port, they ſeized the boats out, and about 109 of them went on ſhore.

Q. How long were the captain and officers confined?

Quinell. They remained priſoners from half an hour after nine till five, when we got to anchor in Camarena bay. They remained there till all the mutineers hoiſted out three boats and got on ſhore.

Q. from Smith, otherwiſe Harding. How have I behaved before?

Quinnell. He always behaved well till that unfortunate time.

Q. from Smith, otherwiſe Harding. Did you ſee me have any hand in breaking the hatchway and taking the wine?

Quinnell. No, I did not ſee you have any hand in that. I heard you ſay you was the commander of that veſſel, and all the people were in ſubjection to you; you wanted more allowance, and you had very good allowance. Baldwin, Main, and Tearnan, were conteſting for want of proviſion; I ſaid I would go and acquaint captain Read, and if that is not ſufficient, no doubt but he will allow you more, though at that time I knew they had ſufficient. Tearnan anſwered, it is not proviſion we want, it is the ſhip we want immediately. This was on the 5th of May.

Q. from Tearnan. Did I hurt you, or ever an officer on board the ſhip?

Quinnell. No, he did not hurt me, our lives were in his hands.

Q. from Hughes. Whether you ever ſaw me miſbehave?

Quinnell. Not till that day; then they were all their own maſters.

Q. from Johnſon. Did you ſee me breaking open the hold?

Quinnell. No, I did not, but I ſaw you with arms, and you behaved very bad.

William Pine ſworn.

Pine. I was fourth lieutenant on board the King George privateer.

Q. What force was ſhe?

Pine. She had 24 nine pounders, and 199 men when we went out.

Q. Look at the priſoners, and ſay who had or had not a hand in that affair on the 4th of May.

Pine. Thomas Smith, otherwiſe Harding, we took him to be a friend of ours, in the cabin to aſſiſt us. They ſaid to him at the fore hatchway, are you againſt us. He ſaid, no, I am not, and handed cutlaces and piſtols down the fore hatchway to them. He was going to hand down another, I being oppoſite him prevented him, upon which he went down and joined the mutineers. Preſently after that we were obliged to quit the poſſeſſion of the main deck. They pointed the ſwivels at us; we were obliged to go into the cabin. Then they got 2 nine pounders, and pointed them to us in the cabin. Then Smith, otherwiſe Harding, came to us, and ſaid if we did not deliver up our arms, they would fire upon us. He came frequently into the cabin with piſtols cocked in his hands, bringing us meſſages. He came as commander of the ſhip at that time, that he ſaid was a law amongſt them all, he was chief amongſt them, aſſiſted by one Cannon. I was confined in the cabin, what was done on the deck I cannot ſay. Tearnan took up a crow, and pointed it up the hatchway, and ſaid, if captain Read, or any of his officers came to them below, he would drive it through them, or to that purport. Afterwards I ſaw him in arms come by the cabin door ſeveral times, while I was confined there. Johnſon was a centinel at the cabin door, armed, that none of us ſhould go out. We were told, the firſt man that offered to go out of the cabin ſhould be a dead man, or to that effect.

Q. Did you ſee John Smith do any thing?

Pine. I did not ſee him do any thing particular, only with the reſt of them, aſſiſting them. I believe he had arms, but I cannot be poſitive. Neither did I ſee any thing particular in John Hughes, I know he went away with the reſt of them in the boats. I ſaw Baldwin on the forecaſtle when the arms were handed down. I remember Robert Main came to the cabin door, when they all ruſhed into the cabin, and we fired at them; he came oppoſite me, he was running aft. I preſented a piſtol to him, he ſaid I am wounded, and went down to the doctor. Captain Read's face was cut at that time. I did not ſee who did it, there was ſo much ſmoak.

Q. from Smith, otherwiſe Harding. Whether Will White did not ſay he would cut my legs off if I did not deliver my arms up; and aſked me, what buſineſs I had there?

Pine. No, I remember no ſuch thing. I ſaid to Harding, with an oath, are you againſt us. He, with an oath, ſaid, I am not; and handed down piſtols to the mutineers immediately.

Q. from Smith, otherwiſe Harding. Did you ſee me about the wine?

Pine. It is impoſſible to recollect ſuch a particular thing as that.

Q. from Tearnan. Was I breaking the hatches?

Pine. Tearnan was ſtanding by at the time they were going to get the wine up, with a crow in his hand, ſwearing deſtruction to any that ſhould come down. The hatches were broke, but I did not ſee who broke them.

Q. from Main. Whether you ſaw me miſbehave while I was on board the ſhip before this thing?

Pine. I cannot ſay what was the behaviour of one particular perſon among ſo many men, we had nothing before this affair, only ſome little things, a man getting drunk, or ſo. I canot ſay I noticed any particular bad behaviour in Main.

Q. from Main. Had I any hand in meddling with the wine?

Pine. I do not remember he had, the hatchway was full of people all round it.

Smith, otherwiſe Harding's defence.

I firſt come out with the cruize; we were not above three weeks out, before we could not live on our allowance, neither beef nor bread; we had but half a pint of liquor a day, and that was water. They told us there was victuals and liquor for a ſix months cruize, but we had not enough to keep us alive; we made ſeveral complaints. Word went to captain Read; he could not come out, but left all to the ſecond captain. The ſecond captain ſaid, get you hence, you dogs. So one of the foremaſt men went aft to captain Burford. The captain ſaid, if any man wanted more allowance, they muſt have this, that was a piſtol cocked, and blowed in his eyes, and a ſword broke over his head. This man that went to him

was Owen Murphy. We made ſeveral regular complaints to our captain, and all was left to the ſecond captain, and he did juſt as he pleaſed. Three or four men went to the captain. I was there when Murphy was ſhot. The centinel acquainted captain Read, that Murphy wanted to come in. They went to ſnap the door too, ſome people got their hands jammed in it. Captain Read ſaid, what do you want, Murphy. He ſaid, you promiſed us wine when we took a prize, and would give us our allowance in every thing. Captain Read roſe up, cocked his piſtol, and ſhot the man directly. I ruſhed out with a piſtol in my hand. A man ſhewed me his back, where a ball had gone through. Will White was the head mutineer, he got a pardon. Will White ſaid to me, you dog, without you lay down your piſtol, I will murder you directly. I ſaid, I would not hurt an officer in the ſhip, and the firſt port we got to, I would go on ſhore. We went to the conſul, and got product. I did not touch the boat to ſeize her out. We got every thing clear, and moored the ſhip as ſhe ought to be. Every man went on ſhore; after that a good many were taken up and put in the caſtle. Then word was brought, if any would go on board not a man ſhould be hurt. I would not ſtay in the ſhip where murder was committed, and we were likely to be ſtarved. The gunner and ſecond mate ſaid, any man that had a mind a go on ſhore was welcome. When I got to Corunna, Mr. Burford wanted me to go back to the ſhip; but I inſiſted upon ſeeing the Spaniſh conſul. They put me in the ſtocks, and kept me twelve days. When they brought us to England, we were confined on board three weeks; and when we were brought on ſhore, we remained between five and ſix months double ironed; then we were removed to Launceſton, where we remained 23 weeks. We had been run away with by vermin, if people had not been kind in aſſiſting of us. There are a great many of our witneſſes at Briſtol now, and they will take no notice of them. Some are on board men of war, and ſome they let go to Ireland.

Johnſon's defence.

I was centinel at the cabin door all the time, but I did not hurt any of the officers. I waited on the captain in all reſpects. When he ſent me down for bread, I brought it him: when any wanted to go out, I went with them; and I dared not refuſe doing as I did.

Tearnan's defence.

When we were in Launceſton gaol we were put to very ſhort allowance, that is all I have to ſay.

John Smith's defence.

Mr. Gardiner knows whatever he aſked me to do, I did. I went down to the ſide of the ſhip to ſound the water to carry the ſhip in ſafe.

Hughes's defence.

The firſt I ſaw of it was as I was on my duty on the quarter deck, I heard ſome piſtols go off. I went to ſee what was the matter, and Main ſaid, my dear, I am a dead man. I never handled arms but when I was at my quarters. All our witneſſes are on board men of war.

Baldwin's defence.

I only aſked for my right, that was our allowance. We had not proviſion to keep us alive; and after I came back to the ſhip, I was licked and abuſed unaccountably with a ſix-penny ſtick.

Robert Main's defence.

I was got in the cabin when the people went to aſk for their allowance, and a ball lodged in my ſide. My witneſſes are on board men of war.

Thomas Smith, *otherwiſe* Harding, Lawrence Tearnan, Thomas Baldwin, *and* Robert Main, Guilty Death.

Matthew Johnſon, John Smith, *and* John Hughes *were acquitted.*

The Court adjourned to Tueſday, April 27, at the Common Hall in Doctors Commons.

Taken in Short-hand by THOMAS GURNEY.

Lately printed for JOHN RIVINGTON, The Proceedings of the HIGH COURT of ADMIRALTY, *March* 9, 1759, Price 1s. As alſo the Proceedings of the ſaid COURT, *October* 30, 1760. Price 6d.